

EXHIBIT D

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

PSB PARTNERS, LLC,)	No. 2017-L-003345
Plaintiff,)	
)	
v.)	
)	
F. KENNETH BAILEY, JR., P.C., and)	
F. KENNETH BAILEY, JR.,)	
)	
Defendants.)	Hon. Daniel J. Kubasiak

**AGREED ORDER OF STAY
PURSUANT TO 735 ILCS 5/2-1305**

THIS CAUSE coming to be heard on *Defendants' Emergency Motion to Stay Enforcement of Judgment by Confession*, dated May 9, 2017, the Parties appearing through counsel, the motion having been briefed, the Court hereby ORDERS:

- 1) This court entered an Order of Judgment by Confession on April 20, 2017 ("the Judgment by Confession").
- 2) Defendants' Emergency Motion to Stay is GRANTED with the exceptions noted in this order. Defendants shall ^{have} until June 9, 2017 to file their motion to set aside and challenge the Judgment by Confession;
- 3) The Plaintiff is permitted to issue a citation (or the equivalent in Texas) to Bailey, Peavey, Bailey, P.C. in order to place a lien on any proceeds from any litigation being paid to the Defendants. For the avoidance of doubt, nothing in this order shall permit the issuance of a turnover order during the pendency of this stay.
- 4) F. Kenneth Bailey, Jr. shall not take any steps to dissipate or secrete his assets in the interim.
- 5) If F. Kenneth Bailey, Jr. seeks to use distributions from Bailey, Peavey, Bailey, P.C. and/or F. Kenneth Bailey, Jr. P.C. in order to pay living or other expenses during the pendency of this stay, the parties will seek to reach agreement, and if they cannot agree, they may raise it with the Court for resolution.
- 6) F. Kenneth Bailey, Jr. and F. Kenneth Bailey, Jr. P.C. acknowledge that the Court has warned them that they risk contempt proceedings if they violate this order.
- 7) In addition to the lien provided for in ¶ 3, above, F. Kenneth Bailey, Jr. and F. Kenneth Bailey, Jr. P.C. shall alert Bailey, Peavey, Bailey, P.C. that this lien is in place. Additionally, he shall ensure that all funds due to F. Kenneth Bailey, Jr. or F.

Kenneth Bailey, Jr. P.C. from the cases identified in the parties' side-letter are held in escrow during the pendency of this stay.

- a. As to the mesh litigation, the parties acknowledge there is a subordination agreement, subordinating the Plaintiff's lien to VIRAGE CAPITAL MANAGEMENT ("VIRAGE"). The payments to VIRAGE per the loan agreement with VIRAGE shall continue to the extent covered by the subordination agreement.
 - b. As to the mesh litigation, payments to any other prior secured lender that properly has senior status to Plaintiff's interest shall not be deemed a violation of this order. Within twenty-one (21) days, Defendants shall disclose to Plaintiffs the existence of any other such prior senior lenders or payees receiving proceeds relating to Defendants' fees from the mesh litigation.
- 8) F. Kenneth Bailey, Jr. and the F. Kenneth Bailey, Jr. P.C. shall provide the Plaintiff the social security number and tax ID numbers of the Defendants to assure that all citations that have been issued are properly issued against the correct parties.
 - 9) Liens established by currently-issued citations to third parties shall remain in full force and effect pending a resolution of this matter.
 - 10) Except as provided herein, all other further proceedings and enforcement activities concerning the Judgment by Confession, including enforcement discovery related thereto, are hereby STAYED.
 - 11) For the avoidance of doubt, nothing in this order shall permit the issuance of a turnover order during the pendency of this stay.
 - 12) This matter is continued to June 22, 2017 at 10:00 a.m.

Judge Daniel J. Kubasiak

 MAY 12 2017

Circuit Court-2072 ENTERED: 

Prepared jointly with Plaintiff's counsel by:

Suyash Agrawal
Massey & Gail LLP
Cook County Firm No. 56232
50 E. Washington St., Suite 400
Chicago IL 60602

Pedersen & Houpt
161 N. Clark, Suite 3100
Chicago, IL 60601
(312)261-2155
Atty. Code: 07779

5/11/2017



